

ENTERED

January 05, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

RONNIE JAY HUNNEL,

§

§

Petitioner,

§

VS.

§

CIVIL ACTION NO. 6:20-CV-75

§

BOBBY LUMPKIN,

§

§

Respondent.

§

OPINION AND ORDER OF TRANSFER

This is a habeas action filed on December 28, 2020 by a state prisoner incarcerated at the Stevenson Unit in Cuero, Texas, which is located in DeWitt County. (D.E. 1). In his complaint, Plaintiff challenges multiple Fannin County convictions. (D.E. 1).

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); *Wadsworth v. Johnson*, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in the Victoria Division of the Southern District of Texas, 28 U.S.C. § 124(b)(5), and he was convicted by a court located in Fannin County in the Sherman Division of the Eastern District of Texas. 28 U.S.C. § 124(c)(3).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be

transferred in furtherance of justice to the district court within which the state court was held which convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Because petitioner was convicted in Fannin County, it is more convenient and would further the interests of justice for this action to be handled in the Sherman Division of the Eastern District of Texas. The records of his conviction and the prosecutor and defense lawyers are all located in the Sherman Division of the Eastern District of Texas.

Accordingly, it is **ORDERED** that this case be transferred to the United States District Court for the Eastern District of Texas, Sherman Division. All pending motions are denied as moot and are subject to renewal after the case is transferred.

ORDERED this 4th day of January, 2021.


Jason B. Libby
United States Magistrate Judge